

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE July 18, 2006	(3) CONTACT/PHONE Timothy J. Smith, County Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a Resolution of Intention to Vacate a portion of Vineyard Drive, County Road No. 5156, near the Town of Templeton, Supervisorial District 1			
(5) SUMMARY OF REQUEST This vacation is requested by the property owners to remedy an existing building encroachment situation.			
(6) RECOMMENDED ACTION It is recommended that your Board adopt the attached Resolution of Intention to Vacate and set the public hearing for this matter for 9:00 am on August 15, 2006. It is also recommended that the subject Planning Commission Report, attached hereto, be approved.			
(7) FUNDING SOURCE(S) Road Fund	(8) CURRENT YEAR COST Undetermined (County may avoid future maintenance liability)	(9) ANNUAL COST Undetermined – minimal, if anything at all.	(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Templeton Advisory Group, CDF/County Fire, Department of Planning and Building County Counsel, County Parks Division			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____		(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-family: cursive; font-size: 1.2em; margin-top: 20px;">Ok Leslie Brown</div>			

Reference: 06JUL18-C-5

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS


Noel King, Director


County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: Timothy J. Smith, Right of Way Agent 

VIA: Glen L. Priddy, Deputy Director of Public Works - Engineering Services 

DATE: July 18, 2006

SUBJECT: Submittal of Resolution of Intention to Vacate a Portion of Vineyard Drive, County Road No. 5156, near the Town of Templeton, Supervisorial District 1

Recommendation

It is recommended that your Board adopt the attached Resolution of Intention to Vacate and set the public hearing for this matter for 9:00 a.m. on August 15, 2006. It is also recommended that the subject Planning Commission Report, attached hereto, is approved.

Discussion

The owners of adjacent properties along Vineyard Drive, northwest of its intersection with Winery Road, request this road vacation to correct a building setback concern. This matter was discovered in the related lot line adjustment process. The area being considered for road vacation is a minor portion, which will not affect existing traffic circulation. The Public Works Department supports the request and recommends bringing this matter for public hearing in August.

The County Planning Department conformity report recommended that the vacation of the subject portion of road is consistent with the County General Plan, received by the County Planning Commission on April 27, 2006. Planning staff conformity report is attached for your information and approval.

Other Agency Involvement/Impact

The County Planning Department prepared the necessary conformity report. The Templeton Area Advisory Group supports the proposed request. Resolution was reviewed and approved by the Office of County Counsel. County General Services Parks Division has also reviewed and approved subject request.

B-12

Financial Considerations

In the event the vacation is approved at the forthcoming hearing, the excess right of way would be absorbed into the adjoining property and remedy the setback infraction. There is no direct financial impact expected to result from the recommended Board action.

Results

Approval of the recommended action will result in the setting of formal hearing date in compliance with appropriate statutes, and will permit the future consolidation of property interests, leading to the ultimate community-wide result of a better governed community.

Attachments: Vicinity Map
 Resolution of Intention to Vacate
 Notice of Hearing
 Conformity Report from County Planning Commission

File: TJS

Reference: 06JUL18-C-5

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B-1 3



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4

LEGAL DESCRIPTION FOR VACATION OF PORTION OF VINEYARD DRIVE

That portion of road right of way referred to as Vineyard Drive, County Road No. 5156, being a strip of land ten feet (10') in width, lying northwest of its intersection with Winery Road, as shown on the Map of the Rancho Paso de Robles in the County of San Luis Obispo, State of California, according to a map recorded December 13, 1889 in Book A, Page 137 of Maps, in the Office of the County Recorder of said County, said strip of road right of way, whose northeasterly line lies on the northerly line of Vineyard Drive, more described as follows:

Beginning at the point lying on the northerly line of Vineyard Drive and being the westerly terminus of that real property described in an Irrevocable and Perpetual Offer to Dedicate, recorded January 4, 2005 as Instrument No. 2005-000690 of Official Records, records of said County; thence proceeding northwesterly along said northerly line, North 65°58'59" West at distance of 330 feet to a point, said point being the terminus of said northeasterly line of ten foot (10') wide strip of road right of way.

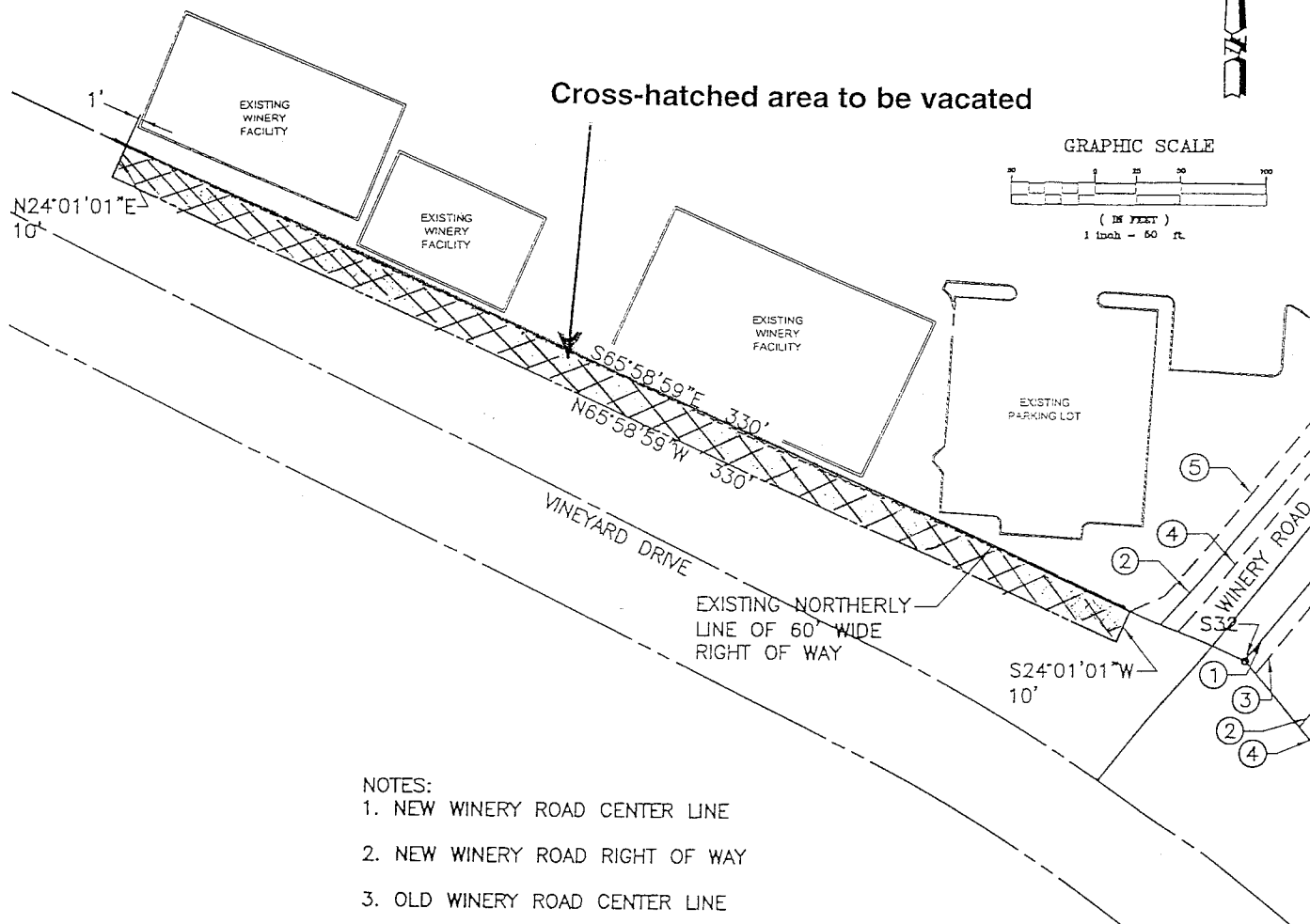
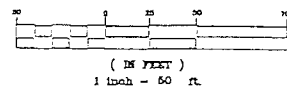
EXHIBIT "A"

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B-1/5

Cross-hatched area to be vacated

GRAPHIC SCALE



NOTES:

1. NEW WINERY ROAD CENTER LINE
2. NEW WINERY ROAD RIGHT OF WAY
3. OLD WINERY ROAD CENTER LINE
4. OLD WINERY ROAD RIGHT OF WAY
5. NEW DRAINAGE EASEMENT

EXHIBIT "B"

B-16

**NOTICE OF HEARING OF RESOLUTION
TO VACATE A PORTION OF VINEYARD DRIVE
COUNTY ROAD NO. 5156
NEAR THE TOWN OF TEMPLETON, SUPERVISORIAL DISTRICT NO. 1**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of San Luis Obispo, State of California, duly adopted a resolution of intention to vacate a portion of Vineyard Drive, County Road No. 5156, near the Town of Templeton, in the County of San Luis Obispo, Road District No. 1, more particularly described in the attached Exhibit A and shown on the Exhibit B (map).

NOTICE IS HEREBY GIVEN that the Board of Supervisors of said County has duly fixed the 15th day of August, 2006, at the hour of 9:00 o'clock a.m. in the Chambers of the Board of Supervisors in the County Government Center at 1055 Monterey Street in the City and County of San Luis Obispo, State of California, as the time and place of hearing upon the resolution of vacation, and for the hearing of evidence either for or against said resolution by any interested party.

Dated:

BY ORDER of the Board of Supervisors of the County of San Luis Obispo, State of California

(

SEAL)

County Clerk and ex-officio Clerk
of the Board of Supervisors, County
of San Luis Obispo, State of
California

By _____
Deputy Clerk

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B-1
7



2-2

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

DETERMINATION DATE April 27, 2006	CONTACT/PHONE Leonard F. Mansell 781-5199	APPLICANT Chambers	FILE NO. S020118R
SUBJECT General Plan Conformity Report for the abandonment of a portion of Vineyard Drive right of way near Hwy 46 located West of the Town of Templeton.			
RECOMMENDED ACTION Receive and file the determination that the proposed abandonment is in conformity with the County General Plan			
ENVIRONMENTAL DETERMINATION Not required for general plan conformity reports			
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBERS 040-231-006/040,231,008	SUPERVISOR DISTRICT (S) 1
PLANNING AREA PROGRAMS & STANDARDS: Adelaida Plan Area: No applicable Programs or Standards.			
EXISTING USES: Vineyards			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/Agriculture East: Agriculture/Agriculture South: Agriculture/Residential West: Agriculture/Agriculture			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Templeton Advisory Group and County Parks Department (see page 3)			
TOPOGRAPHY: Flat to gently rolling		VEGETATION: Urban Landscape/Vineyards	
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: County Fire Department		ACCEPTANCE DATE: October 7, 2002	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ Fax: (805) 781-1242			

B-1
8

PROJECT DESCRIPTION

The proposal is a request for the County to abandon a 10' wide by 250' long portion of the Vineyard Drive right of way at the North West corner of the intersection of Vineyard Drive and Winery Rd. The request is for the County to make a determination of whether or not the abandonment is consistent with the General Plan.

The original agricultural compound had buildings that encroached into the setbacks of both Vineyard Dr. and Winery Rd. The County Planning Department issued Conditional Certificates of Compliance on October 8th, 2002. These Certificates outlined the corrective measures necessary to comply with the Vineyard Dr. setbacks. Condition C. 1) lists the need to abandon a 10' x 250' portion of the Vineyard Drive right-of-way to make the property ready for a lot line adjustment that will correct any remaining setback violations. This portion of right-of-way is approximately 250 feet by 10 feet on the northwest side of the intersection of Vineyard Drive and Winery Road.

While Vineyard Drive is designated a Collector Road in the Adelaida Area Plan, there are no applicable programs, policies or standards that apply. Therefore, this request may be found to conform to the General Plan and the Circulation Element. The Right of Way to be abandoned is a portion of the old county right of way that is no longer needed for Circulation or Area Programs. With the abandonment the Vineyard Drive right of way will be 50 feet wide in this location.

PROCESS

When the county receives a request for the disposal of real property, in the form of public right-of-way or private easement, the proposal must be evaluated for consistency with the County General Plan before the action is authorized, pursuant to Government Code 65402. The Planning Agency is authorized to prepare and issue conformity reports pursuant to Government Code Section 65100. This conformity report is being prepared because this project requires a determination of conformity with the county general plan.

After the Planning Agency determines general plan conformity, the abandonment request is scheduled for public hearing before the County Board of Supervisors. The abandonment is introduced as a proposed "intent to abandon a road". Mailed notice is provided to all properties that have direct access to the road proposed for abandonment.

Generally, the abandonment of a right-of-way does not extinguish rights of others that have legally established easements over the right-of-way. These owners maintain their private easement rights. Abandonment does, however, take the right-of-way out of the public domain and return it for the private use and potential development by adjacent owners. The Board of Supervisors can approve, deny, or only partially approve the abandonment. This may also include retaining certain rights for public needs such as utilities, paths, trails parking, drainage, slope easements, and equestrian trails.

B-19

J-4

GENERAL PLAN CONFORMITY

This conformity report is being prepared because this project requires a determination of conformity with the county general plan. According to the Framework for Planning. "The determination of conformity is to be based on the County General Plan including the text, standards, programs and maps contained therein. Factors that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan Elements, Specific Plan or Facility Master Plan (such as an Airport Master Plan).
2. The project is consistent with the goals, objectives and policies of the Land Use Element, Local Coastal Program, and any other applicable General Plan Element.
3. A proposed construction project is designed in conformance with the standards of the Coastal Zone Land Use Ordinance as well as any standards contained in Chapter 8 of the applicable Land Use Element Area Plan.
4. The disposal or sale of public property will not eliminate, delay or unreasonably interfere with the opportunity to develop public sites or structures as identified in the general plan. The proposal should be evaluated for its possible use as a public facility, or for its exchange or sale and subsequent purchase of a better site within the community. The text of this chapter including the following "development guidelines," as well as Chapter 5, the combining designation maps of the applicable LUE Area Plan, and Chapter 8 of the Coastal Plan Policies Document will be used to determine the need for retaining public property. The development guidelines have precedence over identified public facility locations because their scope is broad in terms of ultimate community needs, particularly where specific facility sites have not yet been identified."

OTHER AGENCY COMMENTS

The Templeton Advisory Group was originally notified in 2002. The application was delayed by Civil action in the interim. A second referral was sent to Templeton Advisory Group and their reply was not received in time for this report. General Services Parks Department did not have any concerns with vacating this right of way.

B-1
10

2-5

SUMMARY EVALUATION

Table A					
Guidelines for Evaluating General Plan Conformity					
Review Category		Conformity			Comments
A. Is the project consistent with the Conformity Criteria from Framework for Planning?		Yes	Maybe	No	
1	Relationship to Adopted Plans	X			
2	Consistent with the Land Use Element and Local Coastal Program	X			
	Project Designed Consistent to the LUO Standards	X			
4	Sale or Abandonment of Public Property or ROW will not interfere with development of public sites identified in the General Plan	X			
B. Is the project/proposal consistent with existing adopted General Plan Elements?		Yes	Maybe	No	
1	Countywide General Plan policies	X			
2	LCP Policy Document	X			
3	Ch 2-Coastal Access	X			
4	Pol 1 Protection of Exist Access	X			
5	Pol 4-Provision for Support Facilities	X			
6	Pol 8-Min. Conflicts between Adj Uses				
7	Ch 3 - Recreation & Visitor Serving				Area is a known Viticulture Area
8	Pol 1-Recreational Opportunities	X			
9	Pol 2-Priority for Visitor Serving Uses	X			
10	Coastal Zone Framework for Planning				
11	Ch 1-Goals			N/A	
12	Ch 5-Circulation			N/A	
13	Purpose & Character Statements			N/A	
14	Allowable Uses - Table 'O'			N/A	
15	Adelaida Area Plan	X			
16	Circulation Programs				Vineyard Dr. is designated a Collector Road
17	Land Use Programs			N/A	
18	Applicable Standards			N/A	
C. Does the project/proposal comply with the following?		Yes	Maybe	No	
1	Avoids secondary impacts on neighborhood			N/A	
2	Furtheres Smart Growth Principles?			N/A	
3	Promotes good design?	X			
4	Avoid Adverse Environmental Impacts?	X			
5	Does it preserve Prime Soils for Ag?	X			
6	Will retain existing vegetation?	X			
7	Avoid excessive land disturbances?	X			
8	Feasible considering existing hazards?	X			
9	Is compatible with existing character of neighborhood?	X			
D. Other Planning Considerations		Yes	Maybe	No	Proposal referred to Advisory Council (AVAC).
1	Will the proposal <i>further</i> stated community objectives?	X			
2	Will the proposal <i>avoid conflicts</i> with stated community objectives?	X			
3	Does the Community Advisory Council support the proposal?	X			Templeton Advisory Group supports the proposal.
4	Is the proposal supported by other agencies with jurisdiction?	X			County Parks Department/County Fire Department

B-1
11

J-6

Planning Commission
April 27, 2006

DETERMINATION AND FINDINGS

The proposed abandonment as shown on Attachment 2- Exhibit A, is in conformity with the County General Plan based on the following findings:

- A. The proposed abandonment is in conformance with the Land Use Element because this right-of-way providing ingress/egress is not needed for local circulation. County Public Works has retained adequate right of way for current and future circulation.
- B. The proposal does not conflict with other elements of the County General Plan. Vineyard Drive is designated a Collector Road in the Adelaida Area Plan Circulation Element, and this section right of way is surplus to the 80' right of way of Vineyard Drive.

Report Prepared by Leonard Mansell, Planner III, and approved by John Hofschroer, Senior Planner, Information Services Group, Department of Planning and Building.

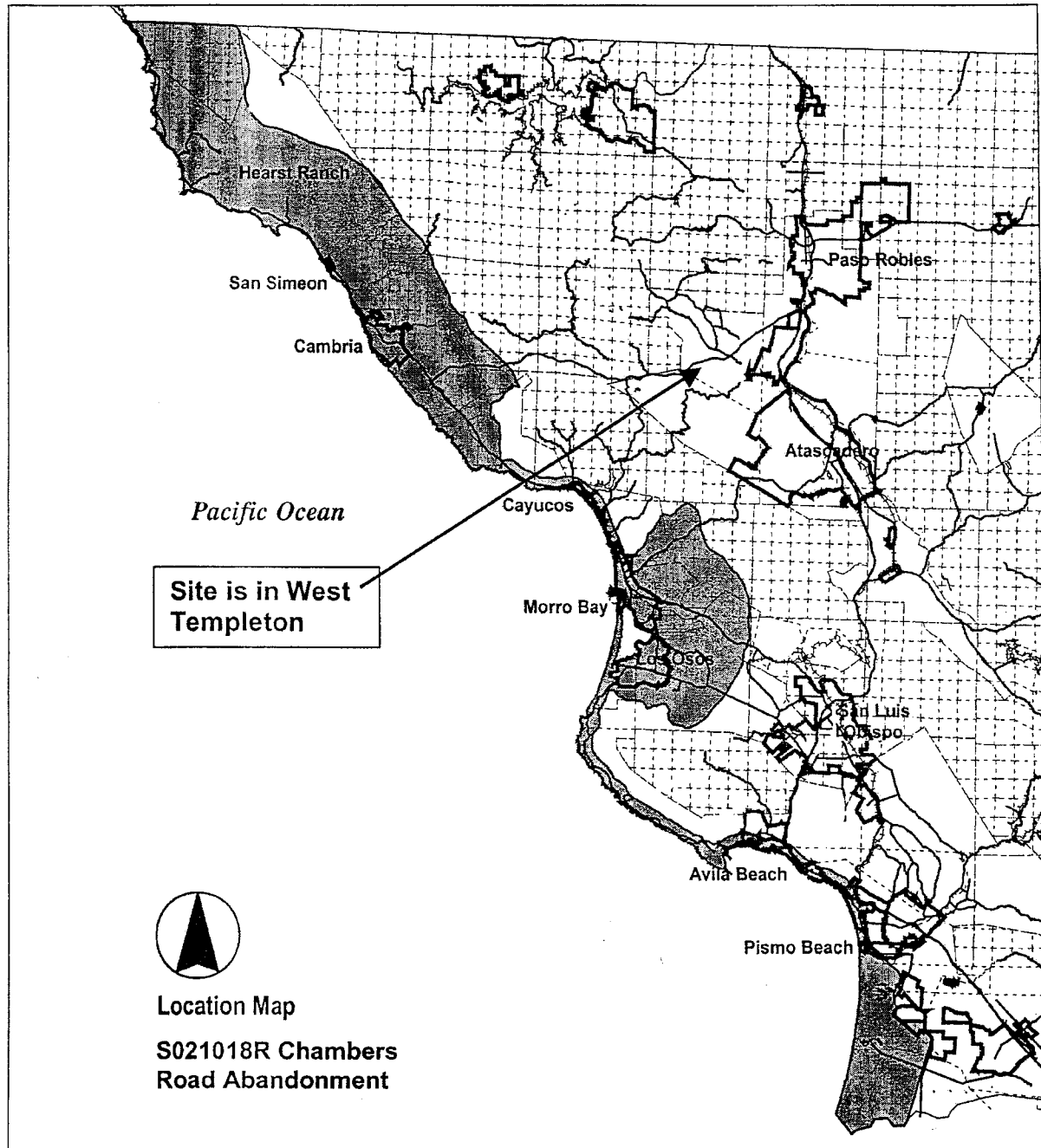
ATTACHMENTS

1. Location Map
2. Site Plan of Abandonment Request-Exhibit A
3. Land Use Category Map
4. Assessors Parcel Map

B-1
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2-7

Attachment 1 Location Map

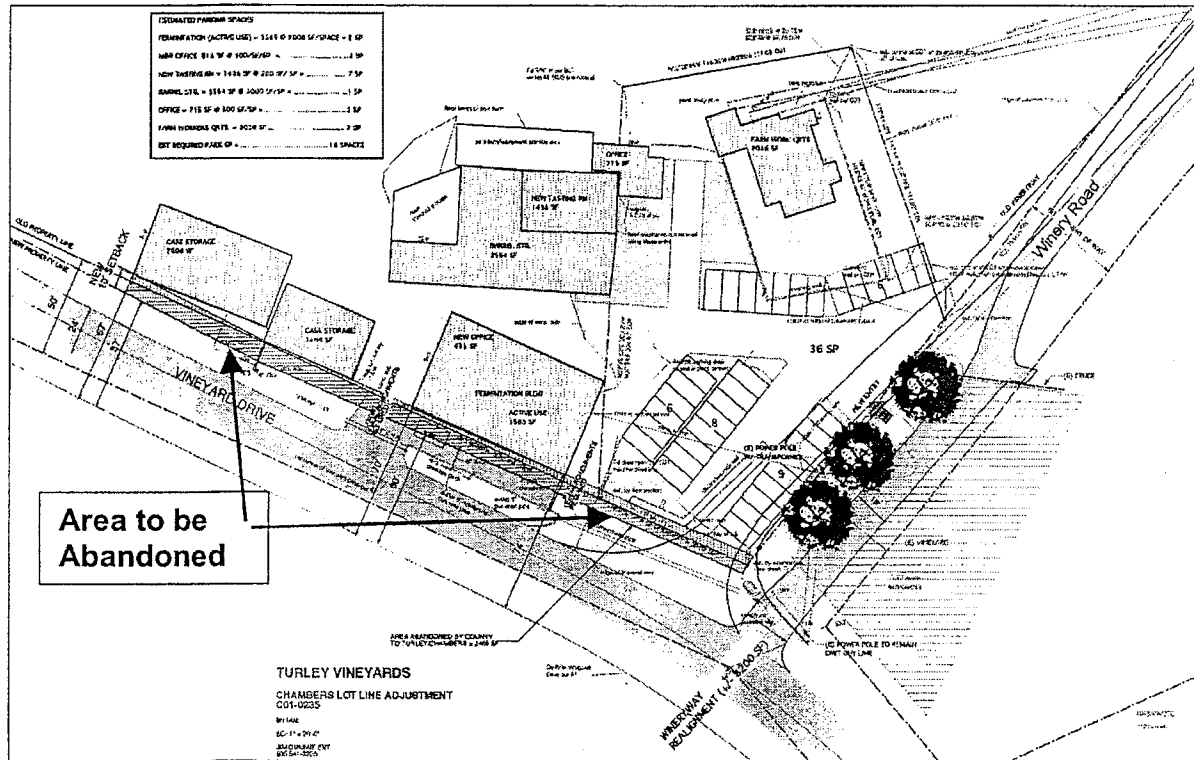


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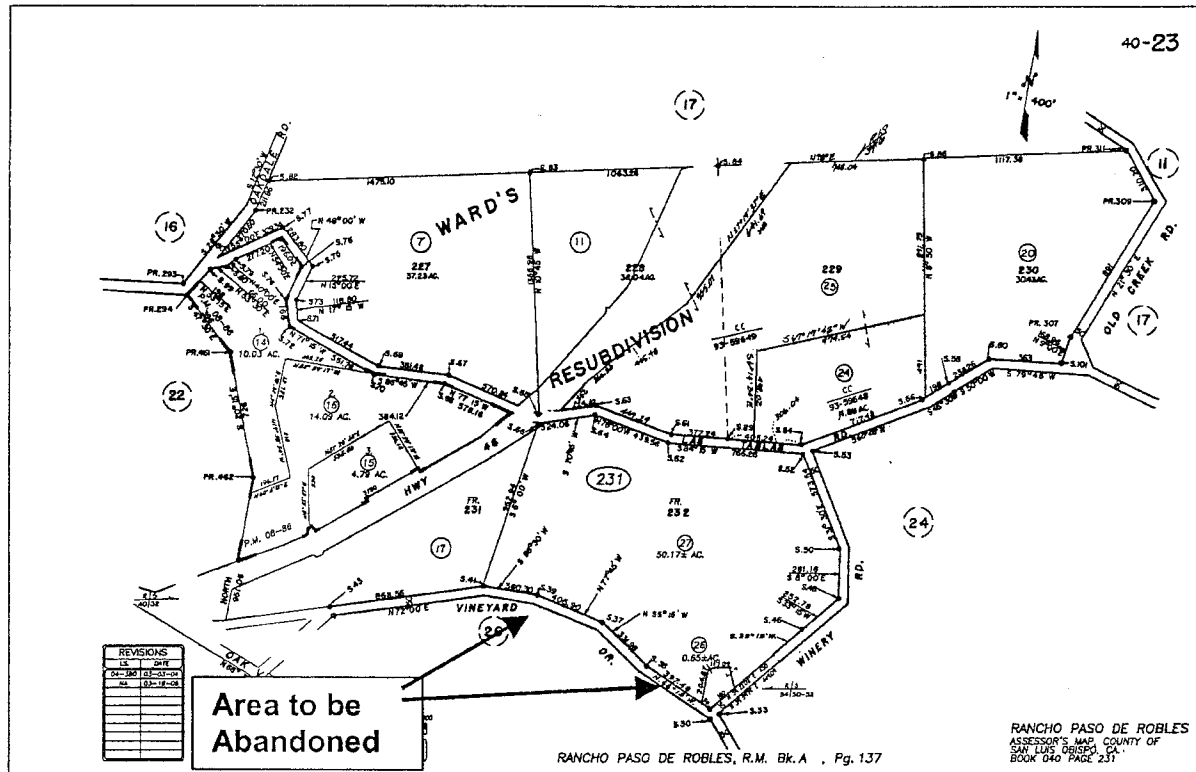
Attachment 2

Site Plan of Abandonment Request

Exhibit A
Area to be Abandoned



Attachment 4 Assessors Parcel Map



B-15

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

RESOLUTION OF INTENTION TO VACATE A PORTION OF VINEYARD DRIVE, COUNTY ROAD NO. 5156, NEAR THE TOWN OF TEMPLETON, SUPERVISORIAL DISTRICT NO. 1

The following resolution is now offered and read:

WHEREAS, a portion of Vineyard Drive, County Road No. 5156, near the Town of Templeton, more particularly described in Exhibit A, attached hereto and made a part hereof, has been recommended for vacation as being unnecessary for present or prospective public use; and

WHEREAS, the Director of Public Works has recommended vacation; and

WHEREAS, the Planning Commission considered the proposed vacation and reported on April 26, 2006, that said vacation is in conformity with the General Plan.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. The recitals set forth above are true and correct.
2. Pursuant to Chapter 3, Part 3, Division 9 of the Streets and Highways Code, this Board does hereby intend to vacate a portion of Vineyard Drive, County Road No. 5156, near the Town of Templeton, and more particularly described in Exhibit A, and shown on Exhibit B (map), each attached hereto and made a part hereof.
3. Tuesday, the 15th of August 2006, at the hour of 9:00 a.m. in the Chambers of this Board of Supervisors in the County Government Center at 1055 Monterey Street in the City of San Luis Obispo is hereby fixed at this time and place for hearing upon the resolution vacation.
4. The Clerk of this Board is hereby directed to give notice of such time and place of hearing by publication of the attached notice in a newspaper of general circulation printed and published in the County of San Luis Obispo, for at least two successive weeks prior to the date fixed herein for said hearing.

B-1
16

5. The Clerk of the Board is hereby ordered and directed to cause to the conspicuously posted, in the manner prescribed by Streets and Highways Code Section 8323, copies of said Notice along the line of said portion of County Road proposed to be vacated at least two weeks prior to said hearing date.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: *Patricia J. Fourn*
Deputy County Counsel

Dated: 6/18/06

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 ____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By _____
Deputy Clerk.

B-17
17